

**DENTISTRY EXAMINING BOARD
MINUTES
MAY 4, 2005**

PRESENT: Bruce Barrette, DDS; Richard Strand, DDS; Ms. Kosydar Dreves, RDH; Lori Barbeau, DDS; David Carroll, RDH; Keith Clemence, DDS; Judith Ficks; Wilber Gill, DDS; Catherine Schleis, RDH; and Anne Taylor; Karen Jahimak, DDS.

STAFF PRESENT: Tom Ryan, Bureau Director; Dennis Schuh, Legal Counsel; Jacquelynn Rothstein, Office of Legal Services; Pat Schenck, Program Assistant; Dr. Barbara Showers, Director, Office of Education and Examinations; and Division of Enforcement staff.

GUESTS: Debbie Rosema, RDH, Ora Pharma Representative; Jeff O'Brien, DDS; Anthony C. Hall, DDS; Roy Wegner, DDS; Craig Janssen, DDS, Scott Quandt, DDS; Michael Silverman, DDS; Dick Schoengarth, DDS; Paul Koehl; Todd Hehli, DDS; Shirley Gutkowski, RDH; Mara Brooks; Angie Stone, RDH; Linda Bohacek, RDH; Constantine Stamatelailys, DDS; Constance Schuster, RDH; and Peter Theo.

CALL TO ORDER

Chair Dr. Barrette called the meeting to order at 8:47 a.m. A quorum of eleven members was present.

Mr. Ryan introduced Anne N. Taylor as the new public member of the Dentistry Examining Board.

Dr. Barrette reported that James Sievert, DDS, recently passed away. The Board members, guests, and staff in attendance observed a moment of silence in memory of James Sievert, DDS. Dr. Sievert served two terms as a professional member of the Dentistry Examining Board, from 1991 through 1999.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

APPROVAL OF AGENDA

Additions to Agenda:

- Move item B to page 3 under application issues received after mailing of agenda.
- Add to item B National Board Dental Examination at Marquette University July 11-12, 2005.
- Add Fiscal Estimate to Item D

- Small Business Regulatory Review Board - add to Item K
- Letter of concern re Clearinghouse Rule 04-095 proposed rule on oral sedation, - add to Item K
- Letter from Herb Bostrom - add to Item K
- DHFS agency protocol - add to Item K
- Curriculum Vitae, Daniel H. Roth, DDS; - add after Item T under monitoring
- Memorandum from Eric Callisto, Administrator, Division of Enforcement – add to Item K

MOTION: Dr. Gill moved, seconded by Ms. Schleis, to approve the agenda with additions. Motion carried unanimously.

MINUTES of MARCH 2, 2005

Amendment to minutes:

- Add Ms. Bohacek's name in guests.

MOTION: Ms. Ficks moved, seconded by Mr. Carroll, to approve minutes with amendment. Motion carried unanimously.

PRESENTATION OF STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JAMES MICHAEL, DDS

Attorney Patrick Sullivan, representing respondent James Michael, DDS, and Attorney Gil Lubcke, DOE, appeared before the Board to present the proposed stipulation in the matter concerning James Michael, DDS.

ORAL ARGUMENTS DR. RICHARD L. VANDER HEYDEN, DDS

Attorney Jeffrey Levin and Attorney Brian Baird presented a petition for extension of time and oral argument in the matter concerning Richard L. Vander Heyden, DDS.

MOTION: Dr. Strand moved, seconded by Dr. Jahimiak, to deny the motion to postpone consideration in the matter concerning R.L.Vander Heyden, DDS. Motion carried unanimously.

Attorney James Polewski, DOE, presented oral argument in the matter concerning R.L. Vander Heyden, DDS.

Attorney Jeffrey Levin presented oral argument in the matter concerning R.L. Vander Heyden, DDS.

ADMINISTRATIVE REPORT

DEB Minutes and Record Retention Policy

The Board inquired about DRL's policy in DEB record retention. Mr. Ryan reported that DEB materials including the open session of agendas and past Board meeting minutes are maintained consistent with state law and guidelines.

MOTION: Dr. Strand moved, seconded by Dr. Gill, to request a meeting with the Secretary regarding the Department's record retention policy for Board minutes and open session agenda materials. Motion carried unanimously.

Expenses for AADE Meeting

The National AADE meeting will be held in Philadelphia, PA, on October 5-7, 2005

MOTION: Ms. Ficks moved, seconded by Ms. Schleis, to nominate Dr. Jahimiak to attend the National AADE meeting in Philadelphia, PA, on October 5-7, 2005. Motion carried unanimously.

NATIONAL BOARD EXAMINATION AT MARQUETTE UNIVERSITY

The American Dental Association is in the process of establishing testing centers for the July 11-12, 2005 National Board Dental Examination. There will be one center located in Wisconsin at Marquette University.

MOTION: Ms. Kosydar Dreves moved, seconded by Mr. Carroll, to nominate Ms. Ficks to assist with the administration of examinations at the Marquette testing center on July 11-12, 2005. Motion carried unanimously.

DOE CASES

Dr. Barrette inquired of Mr. Ryan about feedback received that an unconfirmed board member had obtained case information from DRL. Mr. Ryan indicated that he would look into this allegation and report back to the Board.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,
ADMINISTRATIVE RULES AND LEGISLATION
KRAHENBUHL v. WISCONSIN DENTISTRY BOARD**

Mr. Schuh reported on Krahenbuhl v. Wisconsin Dentistry Board. He stated that the circuit court judge upheld the Board's order. The circuit court has stayed the order pending appeal. The Board inquired as to whether they could challenge the stay.

MOTION: Dr. Gill moved, seconded by Ms. Kosydar Dreves, that the Board sends a letter to AAG Robert Hunter asking him to petition the appropriate court for relief from the Stay of Discipline in the matter of Krahenbuhl v. Wisconsin Dentistry Examining Board. Motion carried unanimously.

**RULE DRAFT REVIEW
CR 04-095 WIS. ADMIN. CODE
DEN 11 ANESTHESIA/CONSCIOUS SEDATION RULE**

Jacquelynn Rothstein addressed the Board to review and discuss additional changes to rule draft CR 04-095, Administrative Code DEN 11. Ms. Rothstein will make the Board's recommended changes and distribute to the Board members.

WISCONSIN REGULATORY DIGEST DISCUSSION

The Board reviewed draft articles for the Wisconsin Regulatory Digest.

Dr. Barrette discussed the importance of discipline and licensee information being available and mailed in written form rather than posting the information on the Department's website. The Board noted that posting discipline actions in the newsletter has a positive impact on deterring other licensees from unprofessional conduct.

Ms. Taylor stated that licensees should become accustomed to using the website.

MOTION: Dr. Strand moved, seconded by Dr. Gill, to request that the Department allocate funds for the printing and mailing of the Wisconsin Regulatory Digest. Motion carried unanimously.

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to approve the Digest articles as written. Motion carried unanimously.

DEB WEBSITE POSITION PAPER

Ms. Kosydar Dreves distributed a position paper titled "Foreign Trained Dentist Evaluation Programs".

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to accept the position paper on “Foreign Trained Dentist Evaluation Programs” for posting on the DEB website. Motion carried unanimously.

MOTION: Ms. Kosydar Dreves moved, seconded by Dr. Gill, to remove the link that appears with the teeth whitening position paper. Motion carried unanimously.

CPR TRAINING ON THE INTERNET

Dr. Showers appeared to provide information to the Board concerning CPR courses.

MOTION: Ms. Kosydar Dreves moved, seconded by Dr. Jahimiak, in favor of the Board allowing DRL Staff to advise dental and dental hygiene credential holders take CPR training at the Health Care Provider level and it must contain a hands-on (non-internet) component. The theory portion can be taken on the internet. Motion carried unanimously.

CONSOLIDATION OF DRL ATTORNEYS AT DOA

Dr. Barrette reported on the Governor's proposal to move Attorneys from the Department to the Department of Administration.

The Board is concerned about continuity and consistency of the attorneys and their availability when needed.

MOTION: Dr. Strand moved, seconded by Ms. Ficks that the Dentistry Examining Board does not endorse the concept of moving the Department of Regulation & Licensing attorneys to the Department of Administration and to instruct the Secretary of the Board to send a letter to all the Departments involved in the process and to the Governor’s office. Motion carried unanimously.

REVIEW OF SCOPE STATEMENT RE: DENTAL HYGIENIST TRAINING REQUIREMENTS FOR LOCAL ANESTHESIA ADMINISTERED BY APPLICATOR

MOTION: Ms. Schleis moved, seconded by Ms. Dreves, to accept the scope statement relating to dental hygienist training requirements for local anesthesia administered by applicator. Motion carried unanimously.

CREDENTIALING COMMITTEE REPORT

The Credentialing Committee approved 2 faculty dental licenses and 12 dental applications for licensure today. A total of 37 dentists and 20 dental hygienists have been credentialed to date.

CRDTS REPORT RICHARD STRAND, DDS

Dr. Strand reported that the CRDTS amended and restated bylaws were adopted by CRDTS on March 5, 2005 and were included in the agenda packet for the Board's review. Dr. Barrette will be a representative at the SRTA exam in South Carolina, and Dr. Strand was a representative at the SRTA exam in Virginia.

Ms. Kosydar Dreves, Dr. Barrette and Dr. Strand attended the NERB Annual meeting in Washington DC and will continue reviewing the NERB examination process. The progress towards a national uniform exam continues.

Dr. Barrette has been appointed to the ADA Commission on Dental Accreditation and to the ADEX Board for the National Uniform Exam.

Texas is interested in becoming a member of CRDTS. Other states also have expressed an interest becoming part of CRDTS.

AADE REPORT AND ADEX REPORT BRUCE BARRETTE, DDS

Dr. Barrette reported that the national uniform exam content, criteria, scoring, and format are complete and that the exam is projected to be available for use in the fall of 2005.

The Board reviewed favorable letters sent to the American Association of Dental Examiners regarding the national examination. Other states are using Dr. Barrette's letter in support of ADEX and its development of the National Uniform Licensing Exam.

INFORMATIONAL ITEMS

Noted.

INVITATION OF NEW APOINTMENT INTO CLOSED SESSION

MOTION: Dr. Gill moved, seconded by Mr. Carroll, to invite Ms. Bohacek into closed session.. Motion carried unanimously.

CLOSED SESSION

MOTION: Ms. Ficks moved, seconded by Dr. Jahimiak to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Dr. Barbeau-yes; Dr. Barrette-yes; Mr. Carroll-yes; Dr. Clemence-yes; Ms. Kosydar Dreves-yes; Ms. Ficks-yes; Dr. Gill-yes; Dr. Jahimiak-yes; Ms. Schleis-yes; Dr. Strand-yes; Anne Taylor-yes.

Open Session recessed at 11:31 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ms. Schleis moved, seconded by Dr. Barbeau, to reconvene into Open Session at 2:05 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

APPLICATION REVIEW DAVID CRIPPEN, DDS

Appearance 10:45 a.m.

David Crippen, DDS, appeared before the Board to present additional information in support of his application for a license to practice dentistry in Wisconsin and answer questions from the Board relating to his application.

MOTION: Ms. Ficks moved, seconded by Ms. Schleis, to approve Dr. Crippen's application for a dental license. Dr. Barbeau was not present during deliberations and abstained from voting. Motion carried unanimously.

APPLICATION REVIEW C. J. LUDFORD, DDS

Appearance 11:00 a.m.

C. J. Ludford, DDS, appeared before the Board to present additional information in support of his application for a license to practice dentistry in Wisconsin and to answer questions from the Board relating to his application.

MOTION: Ms. Kosydar Dreves moved, seconded by Ms. Ficks, to approve C. J. Ludford's application for a dental license. Motion taken by roll call vote. 5 yes - 6 no. Motion failed due to multiple convictions.

PROPOSED DECISION
RICHARD L. VANDER HEYDEN, DDS

MOTION: Dr. Strand moved, seconded by Ms. Kosydar Dreves, to adopt the proposed decision with variance in the matter of disciplinary proceedings against Dr. R. L. Vander Heyden. Dr. Clemence was not present during deliberations and abstained from voting. Motion carried unanimously.

ADMINISTRATIVE WARNING
JOSEPH RAY PARLANTE, DDS, 03 DEN 128

MOTION: Ms. Ficks moved, seconded by Dr. Barbeau, to accept the administrative warning as written in the matter concerning **Joseph Ray Parlante, DDS, 03 DEN 128**. Motion carried unanimously.

STIPULATIONS
JAMES A. MICHAELS, DDS

MOTION: Ms. Ficks moved, seconded by Mr. Carroll, to adopt the proposed stipulation, final decision and order, findings of fact, conclusions of law, and order in the matter concerning **James A. Michaels, DDS, 02 DEN 122**. Dr. Jahimiak was not present during deliberations and abstained. Motion carried unanimously.

MONITORING
JAMES S. MARKENSON, DDS

MOTION: Dr. Jahimiak moved, seconded by Ms. Schleis, to reinstate James S. Markenson, DDS, to full licensure. Motion carried unanimously.

MONITORING
BLAIR MOLDENHAUER, DDS

MOTION: Dr. Barbeau moved, seconded by Dr. Jahimiak, to accept the stay of suspension and the modification reducing group therapy from two group sessions per month to one group session per month for Blair Moldenhauer, DDS. Motion carried.

**MONITORING
JOHN REED DDS**

MOTION: Ms. Kosydar Dreves moved, seconded by Ms. Ficks, to grant the stay of suspension and to deny the two modification requests. Motion carried unanimously.

**MONITORING
SYED HUSSAIN DDS**

MOTION: Dr. Jahimiak moved, seconded by Ms. Kosydar Dreves, to deny the petition for modifications of the final decision and order in the matter concerning Syed Hussain. Motion carried unanimously.

**MONITORING
LEE KRAHENBUHL, DDS**

MOTION: Ms. Kosydar Dreves moved, seconded by Ms. Schleis, to accept Daniel H. Roth, DDS, as a monitor for Lee Krahenbuhl, DDS, and to direct legal counsel to notify him of his new monitor. Motion carried unanimously.

**APPLICATION REVIEW
CLAYBORN TAYLOR, DDS**

MOTION: Ms. Ficks moved, seconded by Anne Taylor, to deny Clayborn Taylor's application for a license to practice dentistry in Wisconsin due to unclear status of convictions. Motion carried unanimously.

CASE CLOSINGS

02 DEN 007, 03 DEN 104

MOTION: Dr. Gill moved, seconded by Ms. Schleis, to close case **02 DEN 007 and 03 DEN 104** for prosecutorial discretion. Motion carried unanimously.

04 DEN 061

MOTION: Dr. Clemence moved, seconded by Dr. Gill, to close case **04 DEN 061** for insufficient evidence. Motion carried unanimously.

04 DEN 016

MOTION: Ms. Schleis moved, seconded by Dr. Jahimiak, to close case **04 DEN 016** for insufficient evidence. Motion carried unanimously.

02 DEN 096

MOTION: Dr. Gill moved, seconded by Ms. Schleis to close case **02 DEN 096** for prosecutorial discretion. Motion carried unanimously.

02 DEN 061

MOTION: Dr. Barbeau motioned, seconded by Mr. Carroll to close case **02 DEN 061** for no violation. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Mr. Schuh asked the members of the DEB to respond to a recent memorandum sent from Eric Callisto requesting information anyone may have on dental evaluation programs for foreign trained dentists.

OTHER BUSINESS

Mr. Ryan reported that Governor Doyle appointed Celia Jackson as Secretary of the Department of Regulation & Licensing on April 8, 2005. Secretary Jackson began her duties with the Department on April 25, 2005.

ADJOURNMENT

MOTION: Dr. Clemence moved, seconded by Dr. Jahimiak, to adjourn the meeting at 2:20 p.m. Motion carried unanimously.

NEXT DEB MEETING: JULY 13, 2005